

CHINA—CONSULAR RETURNS FOR FEES, &c.

LETTER

FROM THE

UNITED STATES COMMISSIONER IN CHINA,

TRANSMITTING

Consular Returns for Fees, &c.

AUGUST 23, 1856.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

LEGATION OF THE UNITED STATES,
Macao, April 14, 1856.

SIR: In compliance with the requisitions of the act of Congress of August 11, 1848, I have the honor herewith to transmit the consular returns for fees for judicial services, both of receipts and disbursements, at all the consulates except that of Ningpo, which has been vacant for 1855, as per accompanying exhibits.

Nearly eight years have elapsed since this act of Congress was passed, extending the laws of the United States over their citizens in China. From year to year, by successive commissioners, the attention of Congress has been respectfully requested to the imperative demand that act has created for an appropriation to be made for duly carrying out its provisions. I had the honor, when recently in Washington, to present the subject to the Secretary of State in person, and at his request submitted my views in writing, and received his assurance that he, also, would bring the same to the consideration of Congress at its next (now present) session.

The disabilities which our consuls are constantly representing, as the result of their not being provided with the necessary means and appliances to the discharge of their judicial duties, as well as the urgency of the case, are my apology for again adverting to the subject, renewing the expression of my deep conviction of the pressing necessity of early action on the part of Congress, to supply the pecuniary means its own act has made indispensable, and which the honor and

public interests of the United States government in China absolutely demand.

With great respect, I have the honor to be, sir, your most obedient servant,

PETER PARKER,

Commissioner of the United States of America, China.

The Hon. the SPEAKER

of the House of Representatives, Washington.

UNITED STATES LEGATION,

Macao, May 2, 1856.

SIR: In order to contrast the public expenses of Great Britain and the United States, in maintaining their respective diplomatic and consular departments in China, I have obtained from Sir John Bowring the accompanying memoranda, (vide appendix A,) showing an aggregate expense of £22,555 19s. 2d, exclusive of £15,000, the cost of the government house, which does not come *entirely* within the diplomatic department, which, at \$4 84 per pound sterling, amounts to \$109,170 80, whilst the aggregate United States diplomatic and consular salaries are \$31,000, making a difference of \$78,170 80, or upwards of two-thirds. The \$64,000 for consular buildings at Canton and Shanghai are not included in this calculation. The difference between the import and export trade of the two countries in China, (if we except \$30,000,000 for opium,) bears no such ratio.

From the memoranda it will be seen that £9,448, or \$42,128 32, is paid for *Chinese interpreters* alone, whilst the United States pays only \$2,500!

There is at this moment a case of insolvency before the consular court at Canton in which *millions* of dollars are concerned, and a large part of the creditors are Chinese, and yet not a dollar is allowed the consul to defray the *indispensable* services of a Chinese interpreter, and the same embarrassment is experienced at each of the other consulates.

Ten years since, on accepting the office of secretary of legation and Chinese interpreter, I called the attention of Mr. Buchanan, then Secretary of State, to the subject, as follows:

“Permit me, sir, in conclusion, to call your attention to the expediency of encouraging a young man or men of requisite abilities and qualifications coming to China to acquire the language, with the prospect of ultimately rendering it subservient to his government. Aside from the uncertainty of life, at a period not very remote, the present American sinalogues may be, by age or other causes, unable to render the service which henceforth the relations of the two countries will constantly require, and the language is not one which, like other living tongues, may be acquired in one or two years.” (Vide P. Parker to Hon. Jas. Buchanan, Canton, January 22, 1856.) His excellency Humphrey Marshall wrote the Secretary of State: “The American consulates in China are grossly deficient in the means of acquiring information, and in communicating it to the Chinese in the language

of the latter ; while the accomplishment in this particular of the British consulates will, by degrees, enable the officers of that power to exercise a controlling influence over the determinations of questions which your corps of consuls will not understand." (Vide despatch No. 9, Macao, March 8, 1853.) That what Mr. Marshall thus foresaw is daily becoming matter of fact and history to an alarming degree, is susceptible of the clearest demonstration. It is not, that with a surplus treasury, the government of the United States cannot afford to furnish interpreters, but rather, that "in the struggle which the United States must make hereafter with Great Britain for the commerce of Eastern Asia," that government cannot afford *not* to provide suitably for Chinese interpreters, not merely to attend to current duties of the government, but to be able to compete with that of Great Britain, in exercising a powerful influence for good or for evil, whose *medium* is through the foreigner's knowledge of the language of China.

Very respectfully, your obedient servant,

PETER PARKER.

APPENDIX A.

| | £ | s. | d. |
|---|-------|----|----|
| Salary of H. B. M.'s plenipotentiary..... | 4,000 | 0 | 0 |
| Cost of government house, (Hong Kong,) about £15,000. | | | |
| Salary of Chinese secretary..... | 1,000 | 0 | 0 |

British Consulate, Canton.

| | | | |
|---|-------|---|---|
| Consular buildings cost about \$20,000. | | | |
| Salary of consul..... | 1,800 | 0 | 0 |
| Salary of vice-consul..... | 750 | 0 | 0 |
| Salary of interpreter..... | 700 | 0 | 0 |
| Salary of two assistants..... | 729 | 0 | 0 |
| Salary of three Chinese writers or linguists..... | 150 | 0 | 0 |

Whampoa vice-consulate.

| | | | |
|---|-----|---|---|
| Consular vessel, sent by Admiralty, old 26-gun frigate. | | | |
| Salary of vice-consul..... | 750 | 0 | 0 |
| Salary of constable..... | 125 | 0 | 0 |

Amoy consulate.

| | | | |
|------------------------------------|-------|---|---|
| Consulate, per annum..... | 104 | 3 | 4 |
| Salary of consul..... | 1,200 | 0 | 0 |
| Salary of vice-consul..... | 750 | 0 | 0 |
| Salary of interpreter..... | 500 | 0 | 0 |
| Salary of two assistants..... | 675 | 0 | 0 |
| Salary of two Chinese writers..... | 100 | 0 | 0 |

Foo-Chow consulate.

| | £ | s. | d. |
|------------------------------------|-------|----|----|
| Consulate land..... | 115 | 12 | 6 |
| Salary of consul..... | 1,200 | 0 | 0 |
| Salary of vice-consul..... | 750 | 9 | 0 |
| Salary of interpreter..... | 500 | 0 | 0 |
| Salary of one assistant..... | 270 | 0 | 0 |
| Salary of two Chinese writers..... | 100 | 0 | 0 |

Ningpo vice-consulate.

| | | | |
|------------------------------------|-----|---|---|
| Consulate, (rent of)..... | 104 | 3 | 4 |
| Salary of vice-consul..... | 800 | 0 | 0 |
| Salary of interpreter..... | 500 | 0 | 0 |
| Salary of assistant..... | 270 | 0 | 0 |
| Salary of two Chinese writers..... | 80 | 0 | 0 |

Shanghai consulate.

| | | | |
|---|-------|---|---|
| Consular buildings, about \$44,000. | | | |
| Consular ground, \$190,450, cash. | | | |
| Salary of consul..... | 1,500 | 0 | 0 |
| Salary of vice-consul..... | 750 | 0 | 0 |
| Salary of interpreter..... | 800 | 0 | 0 |
| Salary of two assistants..... | 675 | 0 | 0 |
| Salary of three Chinese writers..... | 208 | 0 | 0 |
| Thirteen student interpreters, at £200 per annum..... | 2,600 | 0 | 0 |

Schedule of documents received from Canton.

February 16, 1856.—O. H. Perry to P. P., (No. 1.) List of cases tried for the year 1855, and statement of amount of clerk and marshal's fees for 1855, (No. 2.)

AMOY.

December 31, 1856.—T. H. Hyatt to P. P., (No. 3.) Statement of disbursements and receipts of the U. S. consular court at Amoy, for 1855, (No. 4.) Also, vouchers for same, (5 and 6.)

Foo-Chow.

March 27, 1856.—Caleb Jones to P. P. Statement of fees received for judicial services for the year 1855, (No. 7.)

NINGPO.

None received.

SHANGHAI.

December 31, 1855.—R. C. Murphy to P. P., (No. 8.) Return of cases tried at this consulate for the year 1855, (No. 9.) Also, an account of receipts and disbursements for 1855, (No. 10.)

No. 1.

U. S. CONSULATE, CANTON, *February* 16, 1856.

SIR: In order that you may conform to the 17th section of the act of Congress approved August 11th, 1848, I enclose herewith a list of the cases brought in the United States consular court at Canton, during the year 1855; also, a statement of the amount of clerk and marshal's fees received during the same period.

I have the honor to be, sir, your most obedient servant,

OLIVER H. PERRY,
U. S. Consul.

Hon. PETER PARKER,

U. S. Commissioner, &c., &c., &c.

List of suits brought and tried in the United States consular court at Canton, China, during the year 1855.

| When brought. | Title of suit. | Nature of action. | How disposed of. | Amount of clerk's fees received. | Amount of marshal's fees rec'd. |
|---------------|--|-----------------------|---|----------------------------------|---------------------------------|
| 1855. | | | | | |
| Aug. 20 | Thos. Hunt & Co. <i>vs.</i> Edward Gassett..... | Action of debt..... | In arbitration..... | None. | None. |
| Sept. 14 | Kang Chang Wing <i>vs.</i> Steamboat Canton..... | do..... | Dismissed for want of jurisdiction..... | None. | None. |
| Sept. 15 | G. L. Agaberg & Co. <i>vs.</i> H. W. Hubbell..... | do..... | Judgment for plaintiff..... | \$80 00 | None. |
| Sept. 18 | Mingqua <i>vs.</i> S. W. Alvord..... | do..... | Still in suit..... | None. | None. |
| Sept. 20 | Acheen <i>vs.</i> Wm. Buckler, jr..... | Attachment suit..... | Judgment for plaintiff..... | None. | \$277 50 |
| Sept. 21 | E. F. Cunningham <i>vs.</i> Wm. Buckler, jr..... | do..... | do..... | None. | None. |
| Sept. 22 | Chun Ashui <i>vs.</i> Wm. Buckler..... | do..... | do..... | None. | None. |
| Sept. 29 | Williams, Anthon, & Co. <i>vs.</i> Wm. Buckler..... | do..... | do..... | None. | None. |
| Oct. 9 | L. Morris <i>vs.</i> King & Co..... | Action of debt..... | Suit withdrawn..... | None. | None. |
| Oct. 24 | Leong King Kwa <i>vs.</i> W. C. Hunter and S. Drinker..... | do..... | Not yet disposed of..... | None. | None. |
| Nov. 1 | Alexander Frazer <i>vs.</i> Wm. Buckler, jr..... | Action for wages..... | Judgment for plaintiff..... | None. | None. |
| Nov. 1 | John Blackwood <i>vs.</i> Wm. Buckler..... | do..... | do..... | None. | None. |

CANTON, February 16, 1856.

OLIVER H. PERRY, U. S. Consul.

A true copy: THOS. J. REYNOLDS.

No. 3.

CONSULATE OF THE UNITED STATES,
Amoy, December 31, 1855.

DEAR SIR: I have the honor to transmit to you, herewith annexed, a statement of the disbursements and receipts of the United States consular court at Amoy for year 1855, with the vouchers thereof.

Respectfully yours,

T. H. HYATT, Jr.

Hon. P. PARKER,
U. S. Commissioner, &c., &c., Canton.

No. 4.

Statement of disbursements and receipts of United States consular court, Amoy, for the year ending with December, 1855.

1855.

DISBURSED.

| | | |
|---|---------|---------|
| July 30.—For marshal's fees in case of United States vs. Thos. King and others, arrested on charge of mutinous conduct, (voucher A) | \$33 20 | |
| “ For expense of keeping above persons in prison, (voucher A)..... | 25 00 | |
| “ For clerk's fees in above case, (voucher B.) | 7 50 | |
| | | \$65 70 |
| Aug. 16.—For marshal's fees in case of United States vs. J. P. Roberts, assault and battery, compromised..... | 1 00 | |
| “ For damages paid complainants..... | 4 00 | |
| “ For clerk's fees in same case..... | 1 50 | |
| | | 6 50 |
| Nov. 9.—For marshal's fees in case of United States vs. A. H. Granger, charged with assault with intent to kill..... | 6 65 | |
| “ For clerk's fees in said case, (vouchers A and B)..... | 5 30 | |
| | | 11 95 |
| | | 84 15 |

1855.

RECEIVED.

July 30.—Of Capt. Hunter,* expense for arrest, trial,
and imprisonment of four sailors of the
American ship “Dalmetia,” of which
he was master \$60 00

* I made a statement of this case to the Department of State, and recommended that the amount be reimbursed to Capt. H., if it could legally be done.

T. H. H.

| | | |
|--|--------|---------|
| Aug. 16.—Fine and fees of J. P. Roberts..... | \$5 00 | |
| Dec. 24.—Fine and fees of A. H. Granger..... | 15 00 | |
| | | <hr/> |
| | | \$80 00 |
| Balance my due..... | | 4 15 |
| | | <hr/> |
| | | 84 15 |
| | | <hr/> |

I certify the above statement to be correct.

T. H. HYATT, Jr.

No. 5.

(VOUCHER A.)

United States Consular Court, Amoy,

To T. H. Hyatt, jr., for marshal's fees,

| | | |
|--|--|--------|
| 1855. | | Dr. |
| July 30.—To fees for serving warrant on Christian Williams, Thos. King, Robt. Cooper, Richard Bradbury, (\$2 each)..... | | \$8 00 |
| “ To travelling fees serving same, (15 cts. per mile, 7 miles, each \$1 05)..... | | 4 20 |
| “ To returning warrants in above cases, 4s. each..... | | 2 00 |
| “ To fees for commitment of above prisoners, \$2 each. | | 8 00 |
| July 31.—To attendance on court on trial of said prisoners, one day..... | | 3 00 |
| Aug. 30.—To fees for discharge of Christian Williams and Richard Bradbury, two of the above prisoners, \$2 each..... | | 4 00 |
| Sept. 9.—To fees for discharge of Robt. Cooper and Thos. King, two of the above prisoners, \$2 each..... | | 4 00 |
| July 31 to September 9.—To disbursements for food for said prisoners and attendance during their imprisonment, 20 weeks..... | | 25 00 |
| Aug. 16.—To fees for serving warrant on John P. Roberts, master of American barque “Storm,” (settled) | | 1 00 |
| “ Paid damages to complainants in the case..... | | 4 00 |
| Nov. 9.—To fees for serving warrant on A. H. Granger..... | | 2 00 |
| “ To travelling fees serving same, one mile..... | | 15 |
| “ To returning warrant in above case..... | | 50 |
| “ To attendance on court on trial of prisoner | | 3 00 |
| “ To fees for a bail bond..... | | 1 00 |
| | | <hr/> |
| | | 69 85 |
| | | <hr/> |

Received payment of United States consul.

T. H. HYATT, Jr.

No. 6.

(VOUCHER B.)

*United States Consular Court, Amoy,**To T. H. Hyatt, jr., for clerk's fees,*

1855.

Dr.

| | |
|---|--------|
| July 30.—To issuing warrants in case of United States vs. Thos. King, Robert Cooper, Richard Bradbury, and Christian Williams, (\$1 50 each)..... | \$6 00 |
| July 31.—To recording minutes of trial | 1 10 |
| “ To filing warrants on return of marshal..... | 40 |
| Aug. 16.—To issuing warrant in case of John P. Roberts..... | 1 50 |
| Nov. 9.—To issuing warrant in case of A. H. Granger | 1 50 |
| “ To recording minutes of trial, 1,800 words..... | 3 60 |
| “ To filing warrant and bond..... | 20 |
| | <hr/> |
| | 14 30 |
| | <hr/> |

Received payment of United States consul.

T. H. HYATT, Jr.

No. 7.

UNITED STATES CONSULATE,

Foo-Chow, March 27, 1856.

DEAR SIR: I herewith forward a statement of fees received at this office for judicial services for the year 1855, (heretofore forwarded to the late Commodore Abbot,) July, 1855, received from Captain Henry M. Stone, of the American barque “Agnes” in accordance with the judgment of a consular court, two hundred dollars. Expenses attending the trial of Captain Stone were as follows:

| | |
|--|------|
| Boat hire and men..... | \$22 |
| Four associate judges, \$3 each..... | 12 |
| Witnesses and boat hire for same..... | 13 |
| Services of five men from the “Wild Pigeon”..... | 5 |

Total..... 52

Leaving in my hands a balance of one hundred and forty-eight dollars.

I have the honor to be, with great respect, your obedient servant,
CALEB JONES,
U. S. Consul.

His Excellency PETER PARKER,
U. S. Commissioner, Canton.

Mis. Doc. 1—2

No. 8.

UNITED STATES CONSULATE,
Shanghai, December 31, 1855.

SIR: To enable you to comply with the 17th section of the act of Congress approved 11th August, 1848, so far as it concerns this office, I have the honor to transmit the return of cases tried and determined at this consulate for the year ending this day, as also an account current of all fines collected, and disbursements made. It occurred to me as unnecessary to state the costs of each civil suit, as they amounted to marshals', associates', and witnesses' fees only, the judge being "ex necessitate" clerk also, but for which service no fees have ever been collected.

This return will show, I think, conclusively, the difference between this and the other consulates of China in the amount of labor connected with the judicial department; and I have again to recommend that the fees be doubled, now that they will not pay expenses. I hope these enclosures will be satisfactory.

I have the honor to be, sir, your obedient servant,

R. C. MURPHY.

Hon. PETER PARKER,

Commissioner of the United States, China.

Return of suits from the 31st December, 1854, to the 1st day of January, 1856.

| No. of case. | Date of first proceedings. | Names and nationality of plaintiffs. | Names and nationality of defendants. | Nature of suit. | Judgment. | Appeal. |
|--------------|----------------------------|--|---|-----------------------------|---------------|---------|
| 1 | January 3 | Ner Asing, China..... | Tindale, United States of America.... | "Case"..... | Defendant. . | None. |
| 2 | 16 | F. Puison, United States of America.... | R. S. Gough, J. Marshall, D. Goff, and E. Livingston, U. S. of America. | "Case"..... | Plaintiff.... | None. |
| 3 | 29 | Consul of France..... | C. M. Babcock, D. Ferguson, U. S. A. | Breach of regulations..... | Plaintiff.... | None. |
| 4 | March 5 | E. Beck, British..... | Robert Gore, U. States of America.... | Larceny..... | Plaintiff.... | None. |
| 5 | 26 | T. Jameison, master of British ship Margaret Mitchell. | J. Dewsnap, U. S. A., agent of dock. | Action on the case..... | Defendant. . | None. |
| 6 | April 20 | Robinson, British..... | Bull, Nye & Co., U. S. of America.... | Salvage..... | Plaintiff.... | None. |
| 7 | May 11 | British consul..... | Hammard, United States of America.... | Breach of regulations..... | Plaintiff.... | None. |
| 8 | July 26 | Steinhoff, German..... | Clark, United States of America.... | Assault and battery..... | Defendant. . | None. |
| 9 | July | D. Spargon, master of American ship Ganna. | J. Thompson, R. Williamson, T. Lanford, United States of America. | Action on the case..... | Plaintiff.... | None. |
| 10 | Sept. 10 | Garrido, Spanish..... | Crocker, United States of America.... | Collision..... | Defendant. . | None. |
| 11 | 18 | Gerrard, United States of America.... | Rickardt, United States of America.... | Action on the case..... | Plaintiff.... | None. |
| 12 | October 4 | Ballard, United States of America.... | Jones, United States of America.... | Larceny..... | Plaintiff.... | None. |
| 13 | 22 | Domingues, Spanish..... | Whiting, United States of America.... | Damages by collision..... | Defendant. . | None. |
| 14 | 25 | Mackenzie, British..... | H. Brown, W. Brown, U. S. A..... | Debt..... | Plaintiff.... | None. |
| 15 | Novem'r 10 | United States of America..... | Holmes, United States of America.... | Secreting sailors deserted. | Plaintiff.... | None. |
| 16 | 13 | Fung Chung, China..... | The officers of American ship "Queen of the Seas." | Debt..... | Plaintiff.... | None. |
| 17 | 17 | Creditors of Meybert, an insolvent debtor. | H. Fogg, by attachment..... | Commission in insolvency. | Plaintiff.... | None. |
| 18 | Decemb'r 6 | H. Fogg & Co., U. S. of America.... | J. Dewsnap, United States of America.... | Debt..... | Plaintiff.... | None. |

UNITED STATES CONSULAR COURT, SHANGHAI, *December 31, 1855.*R. C. MURPHY,
Consul United States of America, acting judicially.

No. 10.

Account of receipts and disbursements in the United States Consular Court, Shanghai, China, from the 31st December, 1854, to 1st January, 1855.

| | | | Receipts. | | | | Disbursements. |
|----------|----|--|-----------|----------|---|--|----------------|
| Case No. | 2 | Fine, \$10 each..... | \$20 00 | Case No. | 2 | Escaped jail—\$10 not collected..... | \$10 00 |
| | 3 | Fine, \$20 each..... | 40 00 | | 3 | Escaped jail—\$20 not collected..... | 20 00 |
| | 4 | Fine, \$10 | 10 00 | | | To amount due United States consul, on ex- | |
| | 7 | Fine, \$7 50..... | 7 50 | | | penses of court, per last account..... | 175 00 |
| | 9 | Fine, \$20..... | 20 00 | | | | |
| | 12 | Fine, \$5..... | 5 00 | | | | |
| | 15 | Fine, \$50..... | 50 00 | | | | |
| | | | 152 50 | | | | |
| | | Balance due United States consul | 52 50 | | | | |
| | | | 205 00 | | | | 205 00 |

UNITED STATES CONSULAR COURT, SHANGHAI, *December 31, 1855.*

R. C. MURPHY,
Consul United States of America, acting judicially.